

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 9, 1978

9:00 A.M.

Council Chambers

301 West Second Street

The meeting was called to order with Mayor McClellan presiding.

Roll Call:

Present: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Mullen, Goodman, Himmelblau, Snell, Trevino

Absent: None

The Invocation was delivered by Reverend Wayne G. Smith, pastor Faith United Methodist Church.

JOE GRACEY DAY

Mayor Carole Keeton McClellan read and issued a proclamation designating Tuesday, November 14, 1978, as Joe Gracey Day in Austin. She urged all citizens to join her in recognizing the outstanding contributions Mr. Gracey has made to the world of music and to Austin, Texas. Michael Priest accepted the proclamation and thanked the Council.

WOMEN'S SOCCER LEAGUE DAY

Mayor McClellan read and issued a proclamation designating Saturday, November 11, 1978, as Women Soccer League Day in Austin and invited all citizens in Austin to attend the Austin Women's Soccer League third Invitational Tournament. The proclamation was accepted by Jean A. Black, who thanked the Council.

PAUL PHILPOTT DAY

Mayor Pro Tem Cooke read a proclamation issued by the Mayor designating November 9, 1978, as Paul Philpott Day in Austin. He called on all citizens

to recognize Mr. Philpott's outstanding achievement and the honor he has brought to our city. Mr. Philpott accepted the proclamation and thanked the Council.

VETERAN'S DAY

Mayor McClellan read and issued a proclamation designating Saturday November 11, 1978, as Veteran's Day in Austin. She called on all residents to observe and participate in the appropriate ceremonies by our City's veterans organization, and further called upon all citizens and businesses to mark this day with proud display of the flag of the United States as a reaffirmation of our national unity and support of our nation on her defence of the course of freedom. Ms. June Bell accepted the proclamation and thanked the Council.

AMERICAN EDUCATION WEEK

Mayor McClellan read and issued a proclamation designating the week of November 12 through November 18, 1978, as American Education Week in Austin. She urged all citizens to reaffirm their commitment to improving education on all levels, and to translate that commitment into action by visiting local schools. Mrs. Jan Down accepted and thanked the Council.

RELEASE OF EASEMENTS

Mayor Pro Tem Cooke moved that the Council ~~approve resolution~~ ~~authorizing release of~~ the following easement:

A twenty (20.00) foot Public Utility Easement in the vacated West 7th Street Alley between Guadalupe and Lavaca Streets, recorded in Volume 4663, Page 360, of the Deed Records of Travis County, Texas. (Requested by Mr. Hal Hafner, representing Capital National Bank)

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

CONTRACTS APPROVED

Mayor Pro Tem Cooke moved that the Council adopt a resolution to approve the following contract:

HAROLD PEARSON
5906 Marilyn Drive
Austin, Texas

- Construction of an Electric Conduit
System and Streetlight Foundations
for Dove Springs, Phase Three -
\$24,461.50

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino

Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Pharmaceuticals for Brackenridge
Hospital & City Health Department -
\$1001,885.63

UPJOHN COMPANY
P.O. Box 5451
Dallas, Texas

- \$103,325.88

SCHERING CORPORATION
9151 King Arthur Drive
Dallas, Texas

- \$73,418.32

AMFAC DRUG SUPPLY COMPANY
11927 Warfield
San Antonio, Texas

- \$66,092.93

PARKE-DAVIS COMPANY
P.O. Box 5206
Dallas, Texas

- \$62,724.67

CUTTER LABORATORIES
4542 McEwen Road
Dallas, Texas

- \$54,936.39

MERCK SHARP DOHNE
925 111th Street
Arlington, Texas

- \$48,646.79

E. R. SQUIBB & SONS
P.O. Box 1500
Houston, Texas

- \$47,964.43

ALPHA THERAPEUTICS 820 Mission Street South Pasadena, California	- \$41,610.00
MCGAW LABORATORIES 3310 Quebec Dallas, Texas	- \$40,145.00
HOECHST PHARMACEUTICALS Route 202-206 North Sumerville, New Jersey	- \$37,110.17
ABBOTT LABORATORIES Hospital Division Abbott Park D361 North Chicago, Illinois	- \$30,471.31
ROCHE LABORATORIES 2727 Northaven Road Dallas, Texas	- \$29,049.28
WYETH LABORATORIES 8717 Directors Row Dallas, Texas	- \$27,661.07
SOUTHWESTERN DRUG CORPORATION P.O. Box 1231 San Antonio, Texas	- \$27,619.63
BRISTOL LABORATORIES P.O. Box 657 Syracuse, New York	- \$25,704.83
J.B. ROERIG COMPANY P.O. Box 22249 Dallas, Texas	- \$22,921.08
PFIZER, INC. P.O. Box 22249 Dallas, Texas	- \$22,468.91
GENTEC HOSPITAL SUPPLY 2131 Theo Drive Austin, Texas	- \$20,706.96
MCKESSON LABORATORIES 1110 Hoefgen Avenue San Antonio, Texas	- \$17,707.89
SOUTHERN HOSPITAL SUPPLY P.O. Box 66486 Houston, Texas	- \$16,438.42

ELKINS SINN, INC. 4116 Bronze Way Dallas, Texas	- \$16,181.69
S K & F LABORATORIES 1500 Spring Garden Street Philadelphia, Pennsylvania	- \$15,456.60
HYLAND LABORATORIES P.O. Box 2214 Costa Mesa, California	- \$15,254.30
MONROE LABORATORIES 3129 Pinewood Drive Arlington, Texas	- \$15,106.29
WARNER CHILCOTT LABORATORIES 201 Tabor Road Morris Plains, New Jersey	- \$13,471.39
WINTHROP LABORATORIES 6627 Maple Avenue Dallas, Texas	- \$12,900.72
G. D. SEARLE COMPANY P.O. Box 5110 Chicago, Illinois	- \$12,689.28
BEECHAM LABORATORIES P.O. Box 5883 Arlington, Texas	- \$12,720.64
ORGANON PHARMACEUTICALS 375 Mt. Pleasant West Orange, New Jersey	- \$8,104.32
PHILIPS ROXANE LABORATORIES 330 Oak Street Columbus, Ohio	- \$7,461.97
AMERICAN PHARMACEUTICAL CO. 245 Fourth Street Passiac, New Jersey	- \$7,368.20
LEDERLE LABORATORIES P.O. Box 5731 Dallas, Texas	- \$7,217.09
WEST CHEMICAL COMPANY 42-16 West Street Long Island City, New York	- \$6,971.08

VITARINE COMPANY - \$6,576.68
P.O. Box 35046
Dallas, Texas

BOEHRINGER INGELHEIM, LTD. - \$6,479.69
P.O. Box 1467
Ridgefield, Connecticut

CIBA PHARMACEUTICALS - \$5,580.24
7530 North Natchez Avenue
Niles, Illinois

EATON LABORATORIES - \$5,235.88
P.O. Box 5490
Dallas, Texas

INVENEX LABORATORIES - \$5,208.38
3175 Staley Road
Grand Island, New York

AYERST LABORATORIES - \$5,177.23
3601 Executive Boulevard
Mesquite, Texas

TOTAL - \$1,001,885.63

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to
approve the following contract:

BOUND TO STAY BOUND BOOKS, INC.	- Prebound Juvenile Books, Austin Public
West Morton Road	Libraries - \$45,000.00
Jacksonville, Illinois	

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

ARMOUR OF AMERICA
1760 Stewart Street
Santa Monica, California

- Police Equipment, Police Department
Items 1 & 2 - \$7,120.00

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to
approve the following contract:

BAILEYS HOUSE OF GUNS
3626 Bluebonnet Street
Houston, Texas

- Flashlights and traffic wands for
Police Department
Items 1 & 2 - \$6,788.00

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to
approve the following contract:

ROBERT JENTSCH
P.O. Box 3343
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Rosewood Community Center Tennis
Court Improvements - \$31,613.50
C.I.P. No. 77/86-27

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to
approve the following contract:

THE WHALE
1906 Guadalupe
Austin, Texas

- Work Uniforms, Central Stores Division
Items 1-6 - \$30,709.30

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman,
Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution to approve the following contracts:

Bid Award:

- Ready-Mix Concrete for various City Departments.
Items 1.0 thru 3.0 awarded by line item to appropriate sellers based on 1st, 2nd and 3rd low bidder, etc. (Estimated expenditure \$210,000)

CENTEX MATERIALS, INC.
2525 Wallingwood Avenue
Austin, Texas

TEXAS INDUSTRIES, INC.
825 Ed Bluestein Boulevard
Austin, Texas

CAPITAL AGGREGATES, INC.
Bolm Road
Austin, Texas

GENERAL ROOFING & SHEET METAL
2601 West Adams
Temple, Texas

- Re-roof Municipal Building - \$41,240

The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

PUBLIC HEARING SET

Mayor Pro Tem Cooke moved that the Council adopt a resolution to set a Public Hearing for November 16, 1978, at 7:00 P.M. on bond proposals. The motion, seconded by Councilmember Goodman, carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

LIFT STATION AND FORCE MAIN IMPROVEMENT PROJECT

Mayor Pro Tem Cooke moved that the Council adopt a resolution to select Austin Testing Engineering, Inc. in connection with the design and construction phases of the Upper Walnut Creek Wastewater Interceptor, Lift Station and Main Improvement Project for the Water & Wastewater Department. The motion, seconded by Councilmember Goodman carried by the following vote.

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

Mayor Pro Tem Cooke moved that the Council adopt a resolution giving authorization to contract with cultural agencies for FY '78-'79. (Council approved funding on September 25, 1978) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

MEDICAL ASSISTANCE PROGRAM

Mayor Pro Tem Cooke moved that the Council postpone until November 30, 1978, consideration to select a contractor for pharmaceuticals service for the Medical Assistance Program. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

PUBLIC HEARING SET

Mayor Pro Tem Cooke moved that the Council set a public hearing to consider Central Business District Parking Ordinance, for 2:00 P.M. on November 30, 1978. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino

Noes: None

CONTINUATION OF SOUTHERN UNION GAS COMPANY'S RATE INCREASE

Mayor McClellan stated the Council had before it the continuation of Southern Union Gas Company's motion for rehearing on rate increase approved by the City Council on October 16, 1978. She stated that Southern Union Gas Company would be allowed to present its request for a rehearing at this time and that Don Butler who is our rate counselor will address the issue. The Mayor emphasized that the action taken by the Council on October 16 was final action on Southern Union Gas Company's rate increase and if the Council takes no action today, the final action taken on October 16, 1978 will stand as adopted.

Mr. Laczko, district Vice President for Southern Union Gas Company, addressed the Council as follows:

On October 26, 1978, the City Council passed Ordinance No. 78 1016-A which among other things would allow Southern Union Gas Company only \$701,485, or 17.96% of the \$3,904,231 annual rate increase proposed in its June 12, 1978

Statement of Intent. Approximately half of the increase in rates conditionally granted by the City Council would be paid back out as income taxes. The remaining \$350,532, in our opinion, clearly falls far short of meeting the Company's true financial needs. We believe that the City has arbitrarily adjusted revenues and expenses to the Company's detriment, improperly computed the rate base, failed to provide the Company with an opportunity to earn a rate of return on its investment and attempted to exercise powers beyond the scope of its regulatory authority.

In granting new rates the City had relied heavily upon the recommendation of its consultants, Hess & Lim. That recommendation, however, was the product of employing -- to a large degree -- ratemaking practices other than those currently recognized as appropriate for application to natural gas utilities in the State of Texas. More specifically, the City's consultant recommended that this City Council:

Adopt an average year rate base instead of a year-end rate base which in effect denies the Company an opportunity to earn a return on all its property in service at the end of the test year;

Increase the amount calculated for "age and condition" to be deducted from the rate base to reflect the true age and physical condition of the Company's property;

Deduct from rate base the full amount of the reserve for deferred federal income taxes, rather than limiting such deduction to the amount of the working capital requirement;

Make no adjustment to ad valorem tax expense to reflect known future changes;

Make arbitrary deductions in calculating the federal income taxes associated with the Company's Central Texas operations; and,

Determine that a reasonable balance of the Company's adjusted value rate base is other than 60% original cost less depreciation and 40% current cost new less an adjustment for present age and condition.

To the further detriment of the Company, the City's consultant made various changes in the figures presented by the Company including, among others, the elimination of the following: (a) all construction work in progress included by the Company in rate base; (b) all adjustments necessary to reflect year-end plant levels in calculating depreciation expense; (c) all recognition of a proposed change in depreciation rate; (d) all adjustments for load growth during the test period; and, (e) previously authorized rate case expense amounts.

Finally, the Hess & Lim report limits the Company to a return of only 12.75% on common equity which simply is not a fair rate of return. It is not sufficient to enable the Company to compete successfully for new capital. It is not sufficient to create and maintain confidence in the Company's financial integrity. It does not compare favorably with the returns realized in other businesses of corresponding risk. And, it totally ignores current general business and economic conditions.

We must decline to give an unqualified acceptance of the rate provisions as conditioned in Ordinance No. 78 1016-A for the reasons stated above and because the Company firmly believes that Part 3 of that ordinance constitutes an attempt by the City Council to exercise powers not authorized or committed to its discretion or judgment by the laws or Constitution of the State of Texas.

In light of the foregoing, Southern Union respectfully requests that the City Council reconsider its action and repeal Part 3 of the October 16, 1978 ordinance and amend such ordinance to provide rates which are just and reasonable to both the Company and the customers it serves in the Austin area. Because of the inflexible timetable for appeal, the Company requests the City to take such curative action no later than at its regularly scheduled meeting on Thursday, November 2, 1978.

Southern Union appreciates the privilege of serving Austin and its citizens. All actions taken and to be taken by the Company in the instant matter are intended to insure that it will continue to be able to furnish the best possible gas service at all times.

Mr. Laczko stated there are basically two items the company requests the Council to reconsider;

1. Gross amount of the increase
2. Repeal of part three of the Ordinance

Mr. Don Butler, rate counselor for the City of Austin, reaffirmed, as Mayor McClellan said, that the action taken by Council on October 16, 1978, was final and that there are certain limitations placed upon Council by the Public Utility Regulatory Act within which time you must proceed or else the company has certain rights to place rates into effect under bond. Mr. Butler went on to say he assumed Mr. Laczko's appearance at Council this morning does not indicate any position on the company's part, other than there was final action on October 16, 1978. Mr. Laczko agreed that it was correct. Mr. Butler continued, saying that the reason Council is concerned about that is because the company would have the right to put into effect under bond if you continued the hearing process, so this is simply at Southern Union's request. He also added that we have filed a letter with you dated November 7, 1978, which responds to the company's position. The increase which was granted by the Council, represented a 12.75% return to the company of book equity, which the consultants found to be reasonable as opposed to the 21.9% return which was requested by Southern Union. We have covered each item point by point in our letter of October 16, and stated that if there are any questions he will be delighted to try and answer them. He said that we feel confident in the

consultant's recommendation and in so far as the qualified provision of the Ordinance, the Council had a right to grant no increase to Southern Union, and certainly Council is not denying Southern Union it's right of appeal to the railroad commission, they could have taken that appeal at any time after October 16.

Councilmember Goodman asked if there was any action required of Council this morning and was told no. Mayor McClellan then asked if there was anyone there representing ACORN. Mr. Rod Nelson was there representing ACORN and stated that he had no comment at this time to concur with Mr. Butler's position. He agreed that the rate consultant's report was well documented and that the concerns raised at this were not substantial. The Mayor then asked Mr. Laczko if he had any further comments. Mr. Laczko stated the position of Southern Union Gas was clearly stated in their letter. Mr. Goodman then recommended that no action be taken and that Council proceed to the next item. Mayor McClellan recommended that the final action be allowed to stand as adopted.

POPPY GIRL

Miss Theresa Milligan, Poppy Girl, was introduced to the Mayor and Councilmembers and gave Mayor McClellan a poppy corsage.

SPEED ZONE MODIFICATION

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING SUBSECTION (b) OF SECTION 21-42 OF THE AUSTIN CITY CODE OF 1967, MAKING A CERTAIN ADDITION TO SAID SUBSECTION, THEREBY DECLARING THE MAXIMUM PRIMA FACIE SPEED LIMITS UPON THAT CERTAIN STREET OR HIGHWAY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN, PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF THE "UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS" (VERNON'S ANN. CIV. ST., ART. 6701d); REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

The Mayor announced that the ordinance had been finally passed.

Addition: Subsection b - 40 MPH

~~APPROVED MOTOR VEHICLES~~
ON Northland Drive (R.M. 2222) FROM 118 feet west of Highland Hills Circle (Sta. 458+18) TO West City Limits (Sta. 421+94)

Ordinance No - 781109 - B

Abandoned Motor Vehicles

ABANDONED MOTER VEHICLES

Mayor McClellan introduced the following ordinance:

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

AID TO VICTIMS IN DISTRESS

Mayor McClellan brought up the following ordinance for its third reading:

AN ORDINANCE AMENDING ORDINANCE NO. 780925-A, ANNUAL BUDGET ORDINANCE FOR FISCAL YEAR 1978-79, BY APPROPRIATING FUNDS FROM THE 1978-79 GENERAL FUND ENDING BALANCE FOR ~~OPERATING~~ EXPENSES ASSOCIATED WITH A PREVIOUS TITLE VI COMPREHENSIVE EMPLOYMENT AND TRAINING ACT GRANT TO THE AID TO VICTIMS IN DISTRESS (AVID) PROGRAM; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

The ordinance was read the third time, and Councilmember Himmelblau moved that the ordinance be finally passed. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Goodman, Snell, Trevino, Mayor McClellan
Noes: Mayor Pro Tem Cooke, Councilmembers Himmelblau, Mullen

The Mayor announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

AN 8.37 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1900-2110 EAST 3RD STREET, 1901-2111 EAST 4TH STREET, ALSO BOUNDED BY CHICON STREET AND CANADIAN STREET; FROM "D" INDUSTRIAL, THIRD HEIGHT AND AREA DISTRICT; "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; AND "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Austin Independent School District, 14-78-141)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 7, BLOCK 5, CHARLES JOHNSON SUBDIVISION, LOCALLY KNOWN AS 2306 LAKE AUSTIN BOULEVARD; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Austin Independent School District, 14-78-163)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 3.176 ACRE TRACT OF LAND, LOCALLY KNOWN AS 7801-7823 NORTH I. H. 35 AND 800-828 U. S. HIGHWAY 183; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Stewart Benson, C14-78-164)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 7,694 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 13609 RESEARCH BOULEVARD; FROM INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "O" OFFICE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS AND WILLIAMSON COUNTIES, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (By William B. Pohl, C14-78-167)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 504 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1332 WEST BEN WHITE BOULEVARD; FROM "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Signor Corporation, C14-78-171)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

TRACT 1: ~~THE WESTERNMOST 65 FEET OF THE WESTERNMOST 203 FEET OF THE SOUTHERNMOST 128 FEET, OF OUTLOT 31, DIVISION E, ORIGINAL CITY OF AUSTIN, FROM "O" OFFICE, SECOND HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL, FOURTH HEIGHT AND AREA DISTRICT; AND,~~

TRACT 2: A 1.4 ACRE TRACT OF LAND, SAVE AND EXCEPT THE EASTERNMOST 65 FEET OF THE WESTERNMOST 203 FEET OF THE SOUTHERNMOST 128 FEET OF OUTLOT 31, DIVISION E, ORIGINAL CITY OF AUSTIN, HEREINABOVE DESCRIBED AS TRACT 1, FROM "C" COMMERCIAL, THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL, FOURTH HEIGHT AND AREA DISTRICT: ALL OF SAID PROPERTY BEING KNOWN AS 400-412 WEST 15TH STREET, 1507-1515 SAN ANTONIO, 401-421 WEST 16TH STREET AND 1500-1518 GUADALUPE; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Ruben H. Johnson, Trustee, C14-78-176)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 2, 3 AND 4, FRED C. MORSE SUBDIVISION NO. 6, SAVE AND EXCEPT THE EASTERN-MOST 25 FEET, WHICH IS HEREBY ZONED "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; LOCALLY KNOWN AS 8023-8043 BURNET ROAD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT AND INTERIM "AA" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Fred C. Morse, C14-78-158)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally ~~passed~~ passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOTS 20, 21 AND 22, BLOCK 9, HYDE PARK ADDITION NO. 2, LOCALLY KNOWN AS 3900 AVENUE C (OLIPHANT HOUSE); FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "B-H" RESIDENCE-HISTORIC, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (OLIPHANT HOUSE, C14-78-008)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor announced that the ordinance had been finally ~~passed~~ passed.

Mayor McClellan introduced the following ordinance:

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

ALL OF THE NORTH HALF OF LOT 3 AND ALL OF LOT 4, AND 6 FEET, MORE OR LESS, OFF OF THE SOUTH SIDE OF LOT 5, BLOCK 84, ORIGINAL CITY; LOCALLY KNOWN AS 713-715 CONGRESS AVENUE (PARAMOUNT THEATRE); FROM "C" COMMERCIAL, SECOND HEIGHT AND AREA DISTRICT TO "C-H" COMMERCIAL-HISTORIC, SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Paramount Theatre, C14h-78-038)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

~~The~~ Mayor announced that the ordinance had been finally passed.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 16, BLOCK 6, BROAD ADAMS ADDITION, LOCALLY KNOWN AS 5505 JEFF DAVIS STREET; FROM "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (H.C. Byler, C14-78-170)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Trevino

Noes: None

Abstain: Mayor McClellan, Councilmember Snell*

The Mayor Unnounced that the ordinance had been finally passed.

*Mayor McClellan and Councilmember Snell were out of town at the time of the public hearing and wanted the record to reflect this with their vote.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 6.65 ACRE TRACT OF LAND, LOCALLY KNOWN AS MIDDLE FISKVILLE ROAD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Thomas T. Smith, C14-78-057)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

~~The Mayor announced that the ordinance had been finally passed.~~

Mayor McClellan introduced the following ordinance:

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

Zoning Ordinance No. 781109-

G-5-d Land & Leases Inc.

Claudia Taylor Johnson +

Sam Payne CV-78-153

Mayor McClellan introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

A 33.019 ACRE TRACT OF LAND, LOCALLY KNOWN AS F.M. 969 AND JOHNNY MORRIS ROAD; FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "DL" LIGHT INDUSTRIAL, FIRST HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Walnut Hollow Business Park, C14-74-097)

Councilmember Himmelblau moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan

Noes: None

The Mayor announced that the ordinance had been finally passed.

BOARDS AND COMMISSIONS

Mayor McClellan announced that the following Board and Commission appointments will be made November 16, 1978:

Building Standards Commission, 3;
Vending Commission, 1;
Community Development Commission, 1;
NH/MR Commission, 1;
Wrecker Standards Commission, 7;
Medical Assistance Advisory Board, 99
Construction Advisory Committee, 4;
Human Relations Commission, 7;
Electric Board, 11; hereconstituted;
On Going Goals Committee, 6;
Dental Advisory Committee, 2;

~~WORK SESSION CANCELLED~~

Mayor McClellan cancelled the work session to discuss Legislative Program for the 1979 Legislative Session, scheduled for November 14.

WASTEWATER APPROACH MAIN

Mayor Pro Tem Cooke moved that the Council approve the following Wastewater Approach Main:

ANNCO INC.

- For construction of a 15" wastewater approach main to serve the Meadows at Travis Oaks Subdivision. (Estimated cost to the City will be \$37,000 if annexed within one year)

The motion, seconded by Councilmember Snell, carried by the following vote.

Ayes: Councilmembers Himmelblau, Mullen, Snell, ~~Mayor~~ McClellan,
Mayor Pro Tem Cooke

Noes: None

Not in Council Chamber when Roll was called: Councilmembers Goodman,
Trevino

LAKE AUSTIN METROPOLITAN PARK WATERLINE

Council had before it for consideration the authorization of an agreement between the City of Austin and Glendale developers for installation of a waterline at Lake Austin Metropolitan Park.

Councilmember Himmelblau asked if the City would be compensated if they do give the easement. Mr. Curtis Johnson, Director of Water and Wastewater answered, "Not in a specified dollar figure. However we do have the benefit of the contract that would have quite a high value to it I would think." "Why wouldn't we have both?" Councilmember Himmelblau asked. "I suppose there could be both, however it is our recommendation that simply the one provision was adequate," answered Mr. Johnson. Mr. Davidson, City Manager, stated, "If we were not recommending the additional contract terms we would most certainly have recommended some remuneration for the easement but we do think the contract terms are more valuable." Mr. Johnson said it is difficult to put a precise figure on it but that the terms of the contract will benefit the city for about \$150-200,000 in all.

Motion

Councilmember Himmelblau moved that the Council adopt a resolution for an agreement between the City of Austin and Glendale developers for installation of a waterline at Lake Austin Metropolitan Park. The motion, seconded by Councilmember Mullen, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor Pro
Tem Cooke

Noes: None

Not in Council Chamber when Roll was Called: Mayor McClellan,
Councilmember Goodman

This resolution was adopted again, after the public hearing.

CETA TITLE VI SUBCONTRACTORS ADMINISTRATIVE COSTS

Council had before it for consideration options for administrative costs of CETA Title VI subcontractors. Mayor Pro Tem Cooke pointed out that when this was discussed at a previous Council Meeting it was "allowing administrative costs to be passed through and staff would be made aware of that policy as is mandated by D.O.L. and Congress that it is an available option. It would be on a selective basis, based on need and determined on the staff level and if need be it would come to Council, but hopefully that would not arise." Councilmember Trevino said that it would be preferable to take care of this administratively but that the agency would have a right to appeal to Council. Councilmember Himmelblau pointed out that the funds will not be used for capital equipment.

Councilmember Mullen wondered if this would be as effective, cost-wise, as what is being done now. Mayor Pro Tem Cooke said he thought they were being arbitrary in that decision and felt that they were getting more "bucks for the Federal dollar by not having that option is certainly a point of view that I have trouble with because it says that we arbitrarily determine that it would be best spent in providing city jobs to the manpower division rather than providing that option which is allowed for in Federal statutes to any contracting agency we might administer. I've looked at this as a member of NACPC and I feel that this option should be available. It should be prudently administered." He went on to say that he did not think that every agency was going to want this but that it should be judged by previous need, plus their current and projected need. He thought that if this has to be brought to Council too many times for a decision then they would need to make dramatic and forthright statements to staff about decisions. There was discussion among Councilmembers as to whether this would encourage more agencies to come before Council. Councilmember Mullen stated, "The problem is that when the flexibility is known we are going to get every case that is rejected." Mayor Pro Tem Cooke again commented that there would have to be some specifics as to why an agency would need the 7½%. Councilmember Himmelblau thought that if it is available they are going to want it. Councilmember Goodman said he did not think there would be a rash of applications.

Motion

Mayor Pro Tem Cooke moved that the Council adopt a resolution that administrative costs of CETA Title VI subcontractors, when needed, should be no higher than 7½%.

Second to the Motion and Friendly Amendment

The motion was seconded by Councilmember Goodman, who also offered a friendly amendment to accept staff recommendations: (1) That administrative funding not be made available to public entities such as city, county or state project operators; (2) That these funds not be used for the purchase

of capital equipment or for the obligation of non-PSE personal cost allocation plans; (3) That these funds be targeted toward start-up costs of new demonstration projects only; and (4) That allowable costs be limited to transportation, building/or equipment rentals, utilities, and expendable supplies. Mayor Pro Tem Cooke accepted the friendly amendment.

Mayor McClellan told Council that she has concern about administrative costs. Councilmember Goodman stated that the limitations to the motion which he added would set aside a maximum of \$65,000.00 with the current profile of PSE contractors through the fiscal year of 1979. There was more discussion concerning who would apply, who would be denied, etc. Mayor Pro Tem Cooke pointed out that the whole CETA program has come under a great deal of scrutiny by Congress this year and there is concern that we are not getting the most for our money.

Roll Call on Motion

~~Roll Call~~ On the motion to adopt a resolution that administrative costs of CETA Title VI subcontractors, when needed, should be no higher than 7%, showed the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: Councilmember Mullen, Mayor McClellan

Not in Council Chamber when roll was called: Councilmember Himmelblau

PUBLIC HEARING - LAKE AUSTIN METROPOLITAN PARK WATER LINE EASEMENT

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. on the proposed Water Line Easement at Lake Austin Metropolitan Park. She announced, "We were acting a little bit too swiftly a little while ago, and I apologize, I was out of the room. We authorized an agreement for a water line in Lake Austin Metropolitan Park before we had this 10:00 A.M. public hearing. The Council did take action and authorize that agreement between the City of Austin and Glenlake Developers. She called it an agreement and she said it was a public hearing, and, if so, they could reconsider their action." No one appeared to be heard.

Motion

Mayor Pro Tem Cooke moved that the Council close the public hearing and that it be the finding of the City Council that there is no feasible and prudent alternative to the use of this land for the purpose of a waterline and that this project includes all planning to minimize harm to such land as a park, and further move that the City Council adopt a resolution to establish a 20 foot waterline easement, the same being out of and a part of that certain tract of land out of the A.C. Bull Survey No. 607½ (as described in field notes); and to adopt a resolution authorizing an agreement between the City of Austin and Glenlake Developers for installation of a waterline at

Lake Austin Metropolitan Park. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman

Noes: None

Not in Council Chamber when roll was called: Councilmember Himmelblau

VETERANS DAY BREAKFAST

Mr. A.T. Mullins, representing American Legion Post #83, appeared before Council to extend an invitation to Council members to attend Veterans Day Breakfast at Post 83 from 6:30 a.m. to 10:00 a.m., November 11, 1978.

THOROUGHbred ESTATES

Mr. Leroy Lange, who had requested to appear before Council for approval of preliminary plat on the Thoroughbred Estates Subdivision, did not appear.

ALLIED SCIENCE LIBRARY

Mr. John Doe, requested to air grievance concerning the abrupt cut back in hours of the Allied Science Library at Brackenridge Hospital. He told Council that the cut back in hours were the most important ones for students; those after class and on the weekend. He asked for a public hearing so that concerned citizens would be able to air their views. Mayor McClellan informed Mr. "Doe" that it would take time and money to do what he asked. She said the Allied Science Library is a cooperative venture with Austin Community College and the City of Austin. The City funds 40 hours a week for the library. She said the college could pick up the other hours. She went on to say that expensive public hearings had been held during the budget hearings and Council had to set priorities. Mayor Pro Tem Cooke commented that ACC had obligations to their own students and that Mr. Doe should seek help there. Mayor McClellan asked Mr. Holt, Director of Libraries, if he had talked to ACC about the situation at the Allied Science Library, and he informed Mayor and Council that he had talked to Dean Swift. Mayor McClellan told Mr. Doe that they understand his request and that Mr. Holt will inform library users what is happening. Councilmember Mullen asked Mr. Holt to look into the possibility of charging students \$10.00 a semester for use. Mr. Holt told him that if a fee is charged the city will run into jeopardy with Federal Grants. Councilmember Himmelblau brought up a question concerning out of town people being able to use the library, and suggested the city also work with the University of Texas and Southwest Texas on the funding of the library.

IMPOUNDING OF ANIMALS

MR. BOBBY WALLIS and MS. JO ANN GLANZ appeared before Council to discuss the city's lack of adequate procedure to impound animals once they have bitten a person. Mr. Wallis said that on November 3 his daughter had been bitten by a dog. They had called the police and his doctor said the dog should be locked up. The police told him that it was too late to do anything

since it was after hours for the impounding. Mr. Wallis filed an affidavit at the Police Department Saturday afternoon. As a result the owners of the dog that had bitten the child did not tie up the dog. When they were finally informed of the discretion they then had 24 hours to either tie up the dog or take it to a veterinarian for the proper observation time for rabies. Mr. Wallis advised Council that there is no provision to take care of dogs over the weekend and that a dog that bites a person could disappear before any action is taken.

Mr. Dan Davidson, City Manager, advised Mr. Wallis that he is talking about two different operations and that the animal shelter exists to keep dogs. Ms. Sue Edwards, acting director of the Health Department, appeared before Council to say that the Health Department had Saturday and Sunday coverage for dog bite cases. She said that there is a dispatcher at the Humane Society and a tape recorder to accept phone calls. She said that there are five wardens on duty from 7 a.m. to 7 p.m. on Saturday and Sunday. Mr. Davidson told Mr. Wallis that his call is not on record on the tape, but went on to say that the City should have good information for explanation to the public and they would do something about this. Ms. Edwards went on to say that once the Health Department has an affidavit they talk to the owner of the dog and the owner has 24 hours to decide if their veterinarian or the Humane Society should observe their dog during the quarantine period.

Councilmember Himmelblau asked why 24 hours is allowed before something is done about a dog that bites. Ms. Edwards told her that was in the ordinance. Mrs. Himmelblau said that Council needs to look at the ordinance because many things could happen in 24 hours. In answer to Mr. Davidson's question about how many dog bites occur a year, Ms. Edwards said that 800 a year are reported and that the ordinance was adopted in 1976. Mayor McClellan asked that the ordinance be put on a future agenda for consideration. Councilmember Mullen stated that the police need to be educated concerning which numbers to call if there is a dog bite during the weekend hours.

BOAT RACE PETITION

Ms. Stephanie Caldwell and Mr. Royal Masset appeared before Council to discuss a boat race petition. Mr. Masset discussed putting the issue of the boat races before the voters on January 20, 1979, and said they are obtaining a petition with the proper amount of names. He said he had met with City Attorney Harris who had told him that if they file the petition in the City Clerk's office by November 27, 1978 there will be like 30 days time to validate the petition by December 27, 1978 in order for it to be included on the January 20, 1979 ballot. City Clerk Grace Monroe stated that she would have problems with only one day leeway. Mr. Harris said he would get together with Mrs. Monroe to discuss the situation. Councilmember Goodman asked if they could validate the signatures as they receive them, but Mrs. Monroe informed him that cannot be done. They must be submitted to the City Clerk's office all at one time.

PARADE PERMIT

Councilmember Mullen moved that the Council grant the request for a Parade Permit from Eddie Hargett for Rooster Andrews Sporting Goods and Laguna Gloria Art Museum from 11:00 a.m. to 1:00 p.m., Sunday, December 10, 1978, beginning from Laguna Gloria Museum, east on 35th, south on Pecos, west on Scenic Drive around Lake Side, East on Stevenson, north on Rockmoor to Windsor, east on Hillmeier, west on 5th, south on Balcones Drive, west on Mt. Bonnell, South on Mt. Bonnell Road, west on 35th and finish in Laguna Gloria Art Museum. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

PAT CUNEY DID NOT APPEAR

MS. PAT CUNEY, requested to appear before Council to announce Karen Silkwood Week, November 13-18, 1978 and discuss activities. She did not appear.

ZONING HEARING

Mayor McClellan opened the public hearing scheduled for 10:00a.m., on the following applications. Pursuant to published notice thereof, the following zonings were publicly heard:

TOM W. BRADFIELD,
DONALD H. CUMMINS
and ROBERT MULLER,
JR.
By Bryan G. Curington, Inc.

2099-1101 Loop 1
(MoPac Boulevard)
1398-1200 Loop 1
1213-1209 Spyglass
Dr.
901-831 Loop 1
702-708 Columbus
Dr.

From Interim "A" Residence & Interim "AA" Residence 1st Height and Area
To "O" Office, 1st Height and Area (Tracts 1, 7, 8, & 10); "GR" General Retail, 1st Height and Area (Tracts 3, 4, & 5); "BB" Residence, 1st Height and Area, (Tract 9); and deletion of 2 and 6 as amended.

NOT RECOMMENDED

RECOMMENDED by the Planning Commission, "BB" Residence (Tract 9); "GR" General Retail, (Tract 4); "O" Office, (Tracts 1, 7, 8, & 10); all Tracts 1st Height and Area subject to a special permit on each tract at the time of subdivision and a maximum density of 15 units per acre on subject tracts.

Mr. Tom Knickerbocker of the Planning Department reviewed the application by use of slides. Mr. Tom Bradfield, the applicant, said that their application had the full approval of the Planning Department. Mr. Bob Dunham who owns land across from the tract is interested in having the area well planned and he believes the plan submitted fills that requirement and recommends Council approval.

MR. DICK SHOCKET, Citizens Environmental Board, appeared before Council and read the following statement which was unanimously adopted by the Board: "The Environmental Board wishes to reaffirm its original position on the proposed zoning, especially in view of the fact that the proposed zoning will require more access points than recommended by the MoPac Environmental Design Study. This will ultimately require frontage roads and encroachment on the recommended set-back for visual and noise buffering."

MS. SALLY WITLIFF, "We Care Austin", appeared to state they are very concerned with the request for a zoning change. She said they think the "GR" portion of the request is very bad and will do damage to Barton Springs. She said that as there is more "GR" zoning along this area, the request for more frontage roads on MoPac will increase and that is not acceptable to the Austin Transportation Study.

MS. MARY LEE, representing Travis Audubon Society, appeared before Council to urge them to maintain residential zoning for the 108 Bradfield Tract for the following reasons: (1) The land falls within the Barton Creek Watershed (2) The Barton Creek Watershed study is due to be presented to Council in the coming year and it seems logical and reasonable to wait for the study before allowing more intensive land use than residential in this sensitive area, (3) The development of this land is tied closely to the completion of MoPac and since there are time constraints with the completion of this project it seems reasonable Council could wait, (4) The permitted zoning is tied closely to the successful implementation of the MoPac Environmental Design Study. If the Council grants more intensive zoning at this time, we will find ourselves locked into a traffic design that will defeat the intent of the recommendations, including the minimum 250' buffering set-back.

MS. BETTY BROWN, Barton Hills Neighborhood Association, asked that this hearing be continued until next Thursday, and also stated that her association is against the shopping center that is planned. She said they had not been informed.

MS. MARILYN SIMPSON, Coordinator of Austin Neighborhood Council, appeared and also asked that the public hearing be continued on November 16, 1978.

Mayor Pro Tem Cooke suggested that this hearing be continued at an evening meeting for those citizens who cannot attend during the day.

Motion

Councilmember Trevino moved that the Council continue the public hearing November 16, and on November 30, 1978. The motion was seconded by Councilmember Goodman.

Councilmember Mullen said, "What concerns me is that this has been through a lot of public hearings already, and now all at once everyone is getting excited about it and I wonder if the applications might want to meet with the group of people before we continue the hearing, as opposed to doing it here in the Council Chamber." Mr. Muller said that they have met with the people and they have seen all the designs but that they are quite willing to meet with them again. After clarification that Mrs. Brown had seen the plans, Councilmember Mullen stated it would not be necessary to meet with them again. After more discussion about the fact that there will not be a full Council on November 16, 1978, a new motion was made as follows:

Motion

Councilmember Goodman moved that the Council continue the public hearing on November 30, 1978 at 7:00 P.M. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

ZONING HEARING

A.E. RUTLEDGE
By Ruby G. Meredith-
Grigsby & Co.
C14-78-169

1208-1216 East Live Oak

From "A" Residence
1st Height and Area
To "O" Office
2nd Height and Area
NOT RECOMMENDED by the
Planning Commission

Mr. Knickerbocker of the Planning Department reviewed the application by use of slides. Mr. Les Procter, representing Mr. Rutledge, said that the property in question is a neighborhood wasteland, adjacent to a motel, suitable as "O" zoning with its own parking. Mayor Pro Tem Cooke questioned if the property could be developed for town houses. Mr. Procter answered that the area is too small, there is an easement in the middle of the property, and too narrow in front for access. He pointed out that no one would want to build or live in a town house next to the Quality Inn.

MR. ARTHUR SHRIBER, who lives across the street from the land in question, said that he does not object to the proposed usage of the land, not do any of his neighbors. He said the proposed "O" zoning is the best that can

be done with the property. He pointed out that this would put something on Austin's tax rolls.

Mr. Sam Martin, speaking for the South River City Citizens, is opposed to the proposed zoning and said that they have a valid petition as well as a letter from the church in the area. The neighborhood wants the land to remain zoned for residential.

MRS. WILBURN WEAVER, 2004 Alta Vista, requested that the land not be re-zoned. She said "O" would increase traffic by 200 cars a day.

Mr. Procter returned to say that he wondered why Mr. Rutledge's piece of land had to be used as a buffer for the whole area and directed Council's attention to a map of the land and surrounding usage. Mayor Pro Tem Cooke asked him if his client has an offer for the land, and Mr. Procter said he did, for \$140,000.00 if the land can be zoned "O". It has been his only offer.

Councilmember Goodman pointed out that Mr. Rutledge does have a difficult problem with the land location and shape. He said that with a valid petition it would take six votes to override the decision of the Planning Commission and asked Council to postpone this case until November 30 so that the applicant can take the proposed site plan to the neighborhood. Mr. Procter said he does not know if a site plan exists because some people have a concept but do not spend on plans until the zoning is approved. Mayor Pro Tem Cooke said he would like some idea of what will go on the land.

Motion

Councilmember Goodman moved that the Council continue the public hearing November 30, 1978 at 10:00 A.M. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, ~~Hennrichsen, Allen,~~
~~Trevino, Mayor McClellan~~

Noes: None

Not in Council Chamber when roll was called: Councilmember Snell

Councilmember Goodman requested that neighborhood groups examine the property very closely.

JEAN MATHER spoke to Council and said she had heard that Council Ridge is interested in perhaps buying the property for town houses, but not at the \$140,000.00 figure.

RECESS

Council recessed its meeting at 12:10 P.M. and resumed at 2:30 P.M.

PUBLIC HEARING - PAVING ASSESSMENTS

Mayor McClellan opened the public hearing scheduled for 10:00 A.M. in connection with paving assessments to be levied on the following and passage of ordinances under the Capital Improvements Program: (TRANSCRIPT ON FILE IN THE CITY CLERKS OFFICE.)

RIVERSIDE DRIVE, covering approximately 19½ blocks, Capital Improvements No. 73/62-03.

Mr. German, Director of Public Works appeared before Council and stated that the purpose of this hearing is to let property owners appeal their assessment to the City Council. "The first case today is on Riverside Drive, extending from Summit to Wickersham. There are 41 parcels involved, 28 of these have already paid a total of \$214,000.00 plus. There are 13 parcels remaining to be considered for a total of \$197,489.00. This area is primarily commercial in nature and in accordance with existing paving policy, commercial properties are to be assessed 100% curb and gutter costs and 90% of the paving costs for one-half the street width. In this case the rate of paving is \$35.58 for the front foot and the rate for curb and gutter is \$2.80 for front foot, and a total of \$38.38 per front foot. We have employed a professional appraiser, Mr. Tom Wiley, to review each of the parcels involved in this hearing and to determine the enhancement in value to those parcels. Mr. Wiley is here and will make his report to you at this time.

Mr. Wiley then addressed Council and enumerated the results of his appraisals. Copies of his appraisals were given to the Council and copies are also on file in the City Clerk's office. The Mayor then said Council would listen to the appeals of specific property owners.

PERT PENCE, owner of 2100 East Riverside Drive Corporation, described as Parcel 66-B told Council that the question is whether or not a buyer will be willing to pay an enhancement value on his parcel of \$6,286.00 more than before East Riverside was improved. He said that his land is leased to Sunny's food stores out of Houston. It was signed in 1969 and runs through 1989. He said that regardless of whether the street was paved or not, it is not worth any more to any purchaser than what the amount of the income of the property produces. He said he is protesting the enhancement in value because he does not feel the appraiser took into account the leases that were on the property, and what the duration of the leases are. He said that the lease is locked in; he has tried to sell the property, but the fact that there is a lease on it prohibits its sale. In addition to the fixed economic value of his property, due to the lease that will continue until 1989, he said that one of the big things a purchaser of property looks at is the access to the property. "Before the improvements to East Riverside Drive," Mr. Pence stated, "I had two-way access, both left hand turn and right hand turn access. As a result of the widening improving of East Riverside Drive, I have totally lost left-hand turn access." He concluded that Council should consider these two factors before they assess any enhancement value to his property.

Mr. Jerry Harris, City Attorney, asked Mr. Pence if his lease with Sunny's was a fixed monthly amount with no escalations and no gross amounts. Mr. Pence told him that is correct. Mr. Harris then asked Mr. Wiley to respond to Mr. Pence's remarks. Mr. Wiley said, "We have to analyze, in a sense what Mr. Pence would have to sell in regards to that property and its relationship to what we call market. He is in a fixed lease that has a fixed period of time for which to run, so that is what he is actually selling is what we call the leased fee, which is the right to receive that rent, plus the reversion at whatever period of time that property reverts to him, whether it be in 1989 or after two options have occurred. The term he was asking for initially is what we call present value of the right to receive that income stream plus the present value of that reversion. There is also another piece that is there in that property that is called a lease-hold and it accumulates to that lessee and it is the difference between a lease fee and the market value. The market value can float, so that in enhancement a project such as this, where full property might be benefited or enhanced, Mr. Pence would not possibly realize that benefit because of the lease encumbrance that he has. This is not to say that the property is not enhanced. It just simply means that it does not transfer to him under the leasing agreement.As far as access to the property is concerned, this is a police power and is a power that the city has the right to exercise any time that they want to.The police power enhancement is a plus or minus to each individual parcel. Then at this point we evaluate whether the cost of paving and curbing is an enhancement to the property. It is a point just beyond the consideration of the access question, and this is how I view the statute as being presented to me by the Legal Department from the city. ...As far as enhancement is concerned at this point I am considering it as though you were taking it from an unpaved street to a paved street."

Mr. Pence commented that when you do restrict access to one-way traffic, that you definitely have an effect, that you definitely have an effect on the value of real estate, and are not enhancing real estate by restricting access. There was more discussion between Mr. Pence and Mr. Wiley, see transcript.

Mr. Jim Brady, representing Mr. Hemphill, said that Mr. Hemphill's property has also been denied left-hand access, and said he has an M.A.I. with him who will address that point and testify that there has been a decrease in value. Mr. Brady continued that a large drainage ditch has been constructed on Mr. Hemphill's property as a result of the project and will require a substantial increase in the cost of getting on to the property from the highway. Mr. Brady said they are not asking the city for money to pay damages, but are asking the city not to charge them for harming the property. After more discourse, Mr. German told Council that in this particular property, in addition to street improvements there have been some significant drainage improvements. Mr. Harris asked Mr. German to briefly describe what the street was at this location prior to the project and then what the project entailed and what the street is like now.

Mr. German stated, "Previously the street was a two-lane county road that meandered in and out of the particular area. It had an 80' right of way and over a period of 10-15 years the right of way was either acquired or

dedicated to widen the street. The new facility will be a six-lane divided roadway, three lanes in each direction, with a median, left turns provided at all of the intersecting streets. There will be improved drainage, a storm sewer system, and improvements to the drainage channels that lead away from this project.

Mr. Wiley was asked by Mr. Harris if he had taken into account in his analysis the left-turn situation that has been created by the work done to Riverside Drive. Mr. Wiley said he had not on any of the parcels. Mr. Brady told Council he feels very strongly that "you cannot assess property which has been harmed by having this (limiting left-hand turns) done to it for the paving that has been put on it. I will have an appraiser testify if you would like.

Members of the Council indicated they wanted to hear the testimony of Mr. Steve Graef, M.A.I. who was employed by Mr. Hemphill to evaluate the problem that is before the Council. Mr. Graef stated, "I am an independent fee appraiser in Austin. Mr. Hemphill has retained me to estimate the effect of the road improvements to his property and I have done so. I have studied some specific cases involved in this area." After telling how he has discussed the effect of the median on the market of the property, he concluded by saying, "the impact of the median on the property is a damage to the property of approximately \$8,500.00." Mr. Brady then told Council that their presentation is concluded and they do not feel the assessment is proper under these circumstances."

MR. DONALD DUMAS, an attorney representing Siddons and others who are owners of parcel 66-D spoke before Council. He called their attention to the last time he had spoken to them in October of 1977. He said, "At that point in time we were approaching a deadline for the exercise of the right to go ahead and pay the assessment and take advantage of a 25% decrease. The ownership of this particular piece of property includes Walter J. Kassuba, who is in Federal bankruptcy. I asked Council to give less than 100% of the ownership of the property to make payment on the assessment and take advantage of 25% discount and at that time I pointed out to Council the relationship that the owners of the property had with the city over the years." He recounted how they had given land to the city because they had been promised by officials of the city that if they did give right of way for free, they would not have to pay for any road improvements. The City Legal Department can find nothing in writing to support my contention, Mr. Dumas stated. "We should have had it in writing or we should have been paid for this land." I would like to speak to the point of the drainage easement and the curb breaks, Mr. Dumas continued. He said there is just one curb break for 16 acres so that will entail dedication of public access to give access to the whole 16 acre tract. Limiting us to one curb break on 16 acres is a detriment and not an enhancement to the value of property, and I'm also saying that the equity certainly considered that Council recognize the fact that they have received this enormous square footage of land with a total consideration, according to my figures, of about \$40,000."

MR. DAN WOMACK, representing Keith Kissner and Scott Thompson, owners of tract 66-E told Council, "I am going to adopt comments made by my law partner, Mr. Brady, concerning the special benefits, and also the prior testimony

given by Mr. Wiley that he did not consider access when considering this problem. I am going to hand you an appraisal report made by Steve Graef on this piece of property. It was not made for the purposes of paving liens. It was made for the purposes of condemnation suit, and dated October 25, 1976. In preparation for the condemnation suit, Mr. Graef came up with the idea that the property had not only not been enhanced, but had been damaged by \$55,500 over and above the value of the property that was actually taken. I am going to turn it over to Steve to discuss with you certain elements of damage that he found, but I would like to enter into the record at this time his appraisal report, which shows a sketch of the piece of property as well as the sales and the information on which he based his opinion." (APPRAISAL REPORT ON FILE WITH THE CITY CLERK'S OFFICE.)

Mr. Graef told Council, "The property is long and narrow....this has caused quite a few problems with the development of the remainder of the property, principally due to setback lines and regulations that they will have to operate under. We have taken into consideration these factors, as well as the modification of the access through the construction of the median. I believe Mr. Womack mentioned a damage figure...that our estimated damages, by virtue of these two elements were \$26,500."

MR. KISSNER appeared before Council and told them that he and Mr. Thompson had bought the property in question for a car wash. When the road improvements began, enough of the property was taken away so that there was no longer room for a car wash. Then the curb cuts and median were put in and there is no way to get cars in and out for a car wash. They have tried to sell the property, but potential purchasers look at the median and the curb cuts and do not want the property. He continued, "I take it here that the benefit that we are talking about is the value of my property immediately before this, and what's the value immediately after. This is the benefit we are talking about. I can't see any because I can't get rid of the property. I cannot sell it to anyone at anywhere the same price that the city has agreed is a reasonable price for it. I have tried, and I can't do it."

Mr. Womack returned to state, "There is one thing that no one has mentioned that I would like to, and that is that in this particular area, it wasn't a county road. It was a four-lane road, curbed and guttered in front of this particular piece of property.The city's contention on the paving lien, of course, is the property had been enhanced some \$8,000.00. Our contention is that the property has been damaged some \$25,000. This particular piece of property, as I said before, was involved in a condemnation suit and still is. The city's appraiser, in that condemnation suit, Mr. Jim Frederick, whom I am sure you are all familiar with, found that the piece of property had been damaged \$4,300 in that suit. So you have hired one MAI who says it has been enhanced. You have hired one who says it is damaged. Mine says it is damaged, too. We have got 2-1. Right?"

MR. C.L. REEVES, owner of 66-H, 66-I, and 66-J, appeared before Council and said that his story was about the same as that of Mr. Brady concerning what the curb cuts have done to the accessibility of his properties. He said that he also had given land to the city in the late 60's with the agreement

that "we do all of the concrete work, that is the ramps, curb work, etc., give the right of way and the city, the city at that time I believe was the Highway Department, would build the roadway. That was the bottom line, there was to be no limited access. Before we accepted and finalized our deal it was represented to us that there would in fact not be a concrete esplanade in the middle of that highway and there would not be limited access to the left turn." He then told Council that Mr. German had checked the files and said that there was no record of such an agreement. Mr. Reeves continued with detail about his pieces of property and agreements there on. He concluded, "I submit to you that this assessment is unfair in this case, on this property. I did have an agreement with the various people involved. The Roy Butler Council, Hoyle Osborn, and Don Butler the City Attorney."

At this point Councilmember Mullen and Mayor Pro Tem Cooke discussed the form of the report they were using for background. They pointed out that the form was extremely confusing and asked that future reports be clarified so that Council can follow along in an intelligent manner.

MR. JOHN BRAZIEL, representing Rousseau properties, appeared before Council. He discussed the change of access and the change of elevation to the property. He said, "It is hard for me to come up with an exact amount of what damages accrued to the property at that point, but my best estimate would be somewhere between \$8,000 and \$16,000. I would be very satisfied to pay the balance of that if these damages are agreed to." Mr. Harris said, "You said you would be satisfied to subtract damages from our appraisers...how much is that?" Mr. Braziel answered that the appraised enhancement is \$33,000.00. Mr. Harris said, "What you are saying is that this project has undoubtedly enhanced the value of your property, but it is also in your opinion because of access and elevation, perhaps impose some detriments also?" "That's correct," answered Mr. Braziel.

Motion

Mayor Pro Tem Cooke moved that the Council postpone a final decision on paving assessments on Riverside Drive covering approximately 19½ blocks, until November 30, 1978. The motion was seconded by Councilmember Mullen. Carried by the following vote:

Mayor Pro Tem Cooke's reason for delaying action is that in light of today's testimony, he wanted to study the appeals further. Councilmember Mullen asked that Council be given a summary of what we have heard on each case. He said that in Mr. Reeves case he would like to see if there is any way they can check on action promised by the Roy Butler Council. Mayor McClellan suggested they go back and listen to the tape of those meetings. She said, "We want to be sure we keep whatever prior commitments that were made and I think we can check back into the records."

City Attorney Harris stated, "I concur that we postpone the decisions until November 30. As usual, some of the interested property owners have raised some good points, both legally and factually. It would help if we could summarize for the Council on each of these parcels. If the Council would like to at least get through with the evidentiary part of the hearing,

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I would like to get Mr. Graves to talk about the drainage improvements and his opinion as to how it might impact the various properties involved." Mayor Pro Tem Cooke said that would be a good idea. Mr. Harris continued, "If you want to proceed along that line, I would like to ask Mr. Graves to come up and address the drainage situation as it relates to this project and these particular properties, prior to the time that this project was undertaken, the drainage improvement...and then discuss the drainage improvements that were incorporated as a part of this project and the impact that they would have on these particular properties."

The following is from the transcript and is the statements of Mr. Charles Graves, Director of Engineering, and Mr. Harris:

CHARLES GRAVES: We can address the drainage situation just generally and then we can be as specific as you would like to be about particular properties. As you are well aware, most of this route was very rural in nature..County type road, and it was fraught with drainage problems on both sides. Drainage of course, was already there. In designing the roadway, which was the work of Lockwood, Andrews and Newman, consultant to the City, they were burdened with correction of drainage problems throughout the length of this project. Now the drainage itself, I would say enhanced virtually every property there. Now what relationship that bears to the enhancement from the paving and curb and gutter..Mr. Harris, is a legal question, as far as I am concerned. But I believe that the drainage was a peripheral improvement that was necessary in order to make the paving improvements.

On certain of the properties..were in the 100-year floodplain and a great deal of the work that is done by this project would have been required of the owner had they been developing the project themselves. Drainage ways were opened. Drainage ways were cleared. Storm sewers were built, and floodplains were reduced, or lowered, so the land was greatly enhanced in value. Roadside ditches were improved..in many cases lined, and in some places put in storm sewers. In some of those cases, easements were not there because land had not been subdivided, and the City paid a rather substantial amount for the right to keep the water where the water already was, and to then improve that channel. Only your appraisors can tell you, I am sure, what value that has in terms of enhancement. This is the general outlook of the drainage. A substantial amount of the cost of this project was in order to correct that drainage so that the roadway could itself be built.

It included a major bridge. The bridge east of Pleasant Valley, which was a very small, undersize bridge. The project to the north of that bridge was developed prior to the improvement or prior to the contract, and the channel was provided to go from that roadway down to the river, relieving the flooding problem except for the roadway, and now that the bridges have been constructed, for the improvement of the roadway, we are able to convey that water safely, lowering the floodplain considerably on the south side of the road. This is one typical case, and probably the most marked case of taking property out of the floodplain. This particular case reduces the floodplain from 1200 feet

along the roadway to 600 feet, and if the channel is constructed to the south, it will reduce it as low as 150 to 200 feet, a very substantial improvement, and in fact a reclamation of land.

There are two or three other instances, I will be glad to address then, or if we are going to be back, we can prepare you more details on the enhancement as a result of the drainage improvement.

HARRIS: Mr. Graves, do you have on hand or can you testify today about drainage as to any particular piece of property, particularly those people who have been here today. For example, earlier someone said you had specific information on Mr. Hemphill's tract, for example. Tract 77-66-C.

GRAVES: Yes, sir. I am familiar with the Hemphill tract. This is a very low-lying piece of land that has not been platted to my knowledge. The waterway was across the tract, and this project has widened and improved, or will widen and improve that particular land. The easement was taken..was purchased by the City so that the contractor could enter and open this channel up so it would be sufficient to include a berm on the east side to prevent the flooding of this property. Now when it is developed by the landowner, all he needs to do is to raise his land level slightly..generally the level of the berm, and he can construct those buildings. He will not be in the floodplain that he was in prior to the beginning of this project.

HARRIS: And what kind of drainage improvements would it take to accomplish that?

GRAVES: The channel had to be reconstructed. Obviously, it was moved to the north, because the roadway was widened. Right-of-way had to be acquired for this purpose. The channel was moved and then improved so that it would be more efficient, so that it would not overflow as it has done in the past, and then it comes to the intersecting channel and straightens that channel out and improves it. This particular channel prior to the beginning of this project had been partially filled on the Hemphill side, and was crowding water into the adjoining property. Now this will give us an opportunity to benefit both properties by straightening and improving that channel, building the type of slopes that can easily be maintained with vegetation.

HARRIS: Do you have like information, currently, on all the other parcels which landowners were here to day to talk about?

GRAVES: Yes, sir. I believe all of this information is included in our plans. Unfortunately, we didn't expect to get in this detail, and our project engineer is not here. We will be glad to address any particular ones as far as we are able to without him.

HARRIS: How about Mr. Pances' tract?

GRAVES: If I can locate that tract.

HARRIS: Tract No. 77-66-B.

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GRAVES: I believe this is just to the west of the Hemphill tract. This is the channel that I was speaking of, that is perpendicular to the roadway, at the present time is inadequate. It is in a deteriorated state. It has been partially filled on one side. It has been crowded onto the property that you just mentioned. This channel will be corrected and reconstructed, using the easement that was acquired for that purpose.

HARRIS: How will it change the drainage situation on that particular piece of property?

GRAVES: That will make him much less likely to have overflows from that channel into his buildings. The capacity would be increased.

HARRIS: What about tract 76-66D?

GRAVES: This is where the open channel is still fronting on the project. It is alongside the roadway, the culvert that bears that water across was extended at their expense to provide them a roadway into the property. As far as the presence of the roadside channel that would be there whether the property owner were developing it or whether the city were developing it and if a driveway was required he would be faced with a culvert construction in order to cross that channel. In other words, this channel is not a result of having the roadway improved. This channel is the result of the natural drainage through this area.

HARRIS: But in so far as the drainage, on this particular tract, is it going to be any different after the project?

GRAVES: Yes sir. The channel will carry more water both across this tract and down below it. There'll not be the restrictions that causes the water to back up that are presently there.

HARRIS: Do you know whether water backing up in the tract has been any problem to this point?

GRAVES: On that particular tract I'm not aware.

HARRIS: What about tract number 77-66E?

GRAVES: I believe there's no drainage involved there.

HARRIS: No drainage. O.K. And the three tracts that Mr. Reeves was inquiring about, H, I, and J?

GRAVES: I believe there are some storm sewers involved there. No, sir, we don't indicate any drainage problems there at all.

HARRIS: And the Rousseau properties M and N?

GRAVES: The Rousseau property is the one I described to the south of the bridge, east of Pleasant Valley. This is the property that was essentially a natural detention pond, it's what it has been over a long period of time.

200 feet along the roadway that would be under water in the case of a 100 year storm. This is the result of an F.I.A. study and we've not confirmed that with a detailed study. The Corps of Engineers has confirmed it. By the construction of the bridge we no longer will back that water up and also by virtue of the channel constructed downstream by a different developer that water can now be removed from that tract. Obviously when the tract is developed it's going to require some channeling improvements. It's going to require some fill near the channel. But it's quite a reasonable project that drainage problem and his bridge has made it possible.

HARRIS: Thank you Mr. Graves. If any of the property owners have any questions, Mr. Graves will answer them. None? You want to go to another stage? Why don't we just continue it until the 30th in case anything else needs to be done. I think it would be wise.

Roll Call on Motion

Roll Call on the motion to postpone until November 30th the decision on paving assessments on Riverside Drive, showed the following vote:

Ayes: Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan, Mayor Pro Tem Cooke
Noes: None

Mayor McClellan announced the public hearing would now deal with SPRINGDALE ROAD, covering approximately 24 blocks, CAPITAL IMPROVEMENTS PROGRAM, No. 73/62-39.

No one appeared to be heard. Councilmember Snell asked if all property owners involved have been informed. He was told that they were.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance (effective immediately). The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmember Goodman
 Noes: None

The Mayor announced that the ordinance had been finally passed.

VETERINARY CLINICS IN "O" OFFICE DISTRICT

Mayor McClellan opened the public hearing scheduled for 10:30 A.M. to amend Chapter 45 (Zoning Ordinance) to provide for veterinary hospitals or clinics under certain specified conditions by special permit in "O" office district. No one appeared to be heard.

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 45 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF AUSTIN, 1967; ADDING A PARAGRAPH "1" TO SUBSECTION (a) (16) OF SECTION 45-20 THEREOF; PROVIDING FOR VETERINARY HOSPITALS OR CLINICS UNDER SPECIFIED CONDITIONS BY SPECIAL PERMIT IN "O" OFFICE DISTRICTS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Goodman moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Mayor Pro Tem Cooke, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau
 Noes: None

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING-WATER RATE ORDINANCE DISTRICT NO.11

Mayor McClellan opened the public hearing scheduled for 11:00 A.M. to consider amending the water rate Ordinance for Travis County Water Control Improvements District No. 11, to lower the rate to the standard outside the City limits rate paid by all other water districts.

Mr. ~~Gordon~~ Johnson, Director of the Water and Wastewater Department,

addressed the Council. He stated that "as the various water districts have been assumed over the years by the City, many of the districts maintain a higher rate than a normal outside the City rate, and until those districts got into the financial posture in which the normal outside the City rate could support all the cost associated with that particular area plus a 6% return on the investment. Audits are done periodically to determine the financial posture of these districts, this being the last one which is at a higher rate. The City Auditor did examine the operation of this district and in accordance with the contract that the City had with this district, we recommend that this action be taken."

Mayor McClellan introduced the following ordinance:

AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM FOR TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 11 FOR USES OF SUCH WATER, CONNECTIONS AND SEWERAGES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HERewith; SUSPENDING THE RULE REQUIRING THAT ORDINANCES SHALL BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council close the public hearing, accept the amendment, and waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Snell, Mayor McClellan, Mayor Pro Tem Cooke,
Councilmembers Goodman, Himmelblau, Mullen

Noes: None

Not in Council Chamber when roll was called: Councilmember Trevino

The Mayor announced that the ordinance had been finally passed.

PUBLIC HEARING-EMERGENCY AMBULANCE AND TRANSFER VEHICLES

Mayor McClellan opened the public hearing scheduled for 3:00 P.M. on amending Article V of Chapter 34 of the Austin City Code of 1967 and establishing a new article concerning emergency ambulance and transfer vehicles.

Mr. Bill Bulloch, Director of the Emergency Medical Services Department, addressed the Council stating that he would like to bring out two changes in the Ordinance Council received last week. He said "first in Section 34-94B concerning responses to the county by the franchisee, that section had been clarified to allow the franchisee to do that, at the discretion of the dispatcher. Before, the wording would prohibit that from happening totally, and that has been clarified by the Legal Department. Second, in section 34-106 concerning the standards of the vehicles to be used, there was a maximum of interior heights requirement of 60" and we have been working with some of the providers and that has been reduced to 53" to respond to some of their concerns and the staff recommends both of these changes to the Ordinance you have before you. Very briefly the Ordinance that you are considering deals

with the performance of non emergency transfers in Austin, Texas, specifies maximum response on any transfer of one hour, specifies that transfer vehicles utilized inside the city limits not contain lights, siren, emergency logos; to make the clear definition between the EMS Department and function of the responsibility of Franchisee and third, provides for reimbursement to the City by the franchise holder for the actual cost that the City might incur in administering a franchise, such as reports the staff have prepared for boards and commissions and Council, the inspections that are required by the Ordinance, etc.; and fourth, there is a rate structure specified in the Ordinance. The staff is recommending a two tiered rate structure of \$40.00 for one way transportation of less than four miles and \$45.00 for one way transfer trips of greater distances than four miles inside the city limits. This is to try to respond to the actual time of operation and cost of service. We think that after analysis of the staff performance that this is a reasonable rate that will allow the franchise holder to operate and to actually see a return on the investment. Fifth, I touched on section 34-94 (b) of the Ordinance. This section has been for Council consideration due to the fact that the city does have contractual obligation in areas outside the city and it is the intent of this section to allow the city, where they have these contractual obligations, to fulfill those obligations, to fulfill those obligations by controlling the responses of the franchise holder to emergencies in the county if they choose to provide this type of service. We have provided for your consideration as requested a review of 23 different ambulance services across the state with their rates based upon that review. Staff still feels that the \$40.00-\$45.00 rate structure is appropriate and would recommend this Ordinance for your consideration."

Mayor McClellan at this time asked if there were any questions. Councilmember Goodman asked Mr. Levy, of the Quality Assurance Team, about the differences of the multiple franchise operation and the single franchise operation. In other words he wants to know how many of these transfer vehicles in other cities are operating in an openly competitive situation as to how many were guaranteed the business, such as we would have, if we had a single franchise operation here. He went on to say that only one of these cities has a franchise operation. Some cities had only one or two, but most of the larger cities in Texas have three or four or more which are in competition for these non emergency type services. In summation what Mr. Goodman really wants to know is which is better, multiple or single franchise operation. Should it be awarded to a single company or to several and give them a monopoly?

Mr. Levy said that the answer to Councilmember Goodman's question is in the context of the Ordinance. He said that staff had tried to develop a scheme that would insure the maximum possible limit, but quality of patient care on these transfers. He also stated that staff's recommendation to our committee and to the Council is being able to put all the service in one pie, such as franchisee, which would better insure a high quality of service. Mr. Levy also added that the committee and staff had put in a great deal of time on this Ordinance and wanted Council to be aware of that fact. Councilmember Goodman was satisfied with Mr. Levy's answer.

MR. CLYDE BOULIAN, the owner of Life Saver Emergency Medical Service talked about why the rates should be kept low. One reason he brought out is the potential for diversification into other transfer markets. The reason the ambulance service that gets the franchise should keep the rates as low as possible is because there are so many other open markets for ambulance service in Travis County, in Hayes County, in Bexar County, and on up into Williamson County. He went on to say that there are a lot of potential money making projects, such as motorcycle tracks, rodeo arenas, horse races, football games, etc., that will bring in outside money. There is also first aid equipment of many kinds to be sold, and any one that stays in the ambulance business for very long will branch out to some other fields to supplement the income made with their transfer service. The point Mr. Boulian was trying to make is that the people who need the transfer service the most do not have that much money, they are on fixed incomes, some on medicaid etc., so it is coming out of the federal government. The transfer service, he continued, as a business, had little expense in the way of overhead, and he feels that a living can be made in the business, and still keep the transfer fee low.

MR. JOHN MURRAY, EMS coordinator for Travis County, spoke next on the specifics of Section 34-94-B. He said, "Travis and the City of Austin currently contract for emergency ambulance service in the area outside the city limits, but within the boundaries of Travis County. We've experienced over the past two years of this contract multiple problems involved in multiple responses, anywhere from two to three ambulances going on the same call. Therefore Travis County is very supportive of the inclusion of section 34-94-B in the Ordinance as written by staff and the Quality Assurance Team. The potential exists if one of these local companies does not get the franchise, if a company from outside the City of Austin or Travis County comes in, the potential is there to increase the number of responses, but if you bring another ambulance company in, they have three ambulances that operate a portion of the time during the day, but what are they doing at night or when they are not responding to transfers. The natural assumption would be that they have to be running in order to make additional profits. They are going to be responding to emergency calls in the City of Austin, so they will be competing with the City of Austin for emergency service in the county. At the present time there is only one service available that offers advanced life support. He also stated that as EMS coordinator for Travis County he is extremely interested at this point, because he would like to see the citizens get the best services available. It is the county's contention that the best service available is through the City of Austin EMS so therefore the potential for multiple responses is there if 34-94-B is included in the Ordinance it would give Austin EMS a means of at least controlling the franchise holder, from their multiple responses. It would not limit that franchise holder to just transfer service, they could still run emergency service, but they would clear through Austin EMS dispatch who would determine whether or not this was an advance life support call or if it was a case where one ambulance was responding from a much greater distance than the other or in fact who has the closest unit. It would need to be determined if it would be more advantageous to send a unit twelve miles from an accident in the county or one that is only a few miles. This comes back to the private company receiving a call.

There are many ways that the private company receives calls. There are multitudes of ways that they can receive calls. If 34-94-B is included this gives the dispatcher discretion as to whether or not a private company would make the response or not.

At this point, Councilmember Himmelblau asked Mr. Murray how many private companies are in operation at this time and Mr. Murray said that currently there are two. Of these two, both are responding to emergencies, was Mr. Murray's understanding, but upon further discussion and questions by Councilmember Mullen, it was determined that only one was in fact responding to emergencies at this time.

MR. TOM CURTIS, representing Capital Ambulance, spoke, saying that his concern on 34-94(b) is the way it is written. He stated he did not think that anybody who had the franchise and wants to handle emergencies, can avoid duplications. Also the way the Ordinance is written now a private company who had the franchise would not respond prior to calling EMS, in essence giving up some or all of that business. He further added that what they are trying to work out, and have been unable to do, is a situation that would recognize the realities and not penalize either party. He suggested that they have the ability to go ahead and respond to any call that you get, as a private carrier and a franchisee, but in any case involving advanced life support, turn that over to EMS immediately, let them transport.

Mr. Curtis went on to say that the Urban Transportation Commission shared his concern. He said that they were concerned about both the wording and the intent of 94-(b).

Mr. Curtis discussed rates. He stated that the average of all those rates that have been given to Council is a little over \$43.50, plus possibly an mileage figure which would certainly increase the average of all transports. He requested that Council consider this. At this point, Councilmember Mullen asked Mr. Curtis to repeat what he considered a solution. Mr. Curtis said, "as I understand it the City currently had a contract with EMS and the county, and I am told that the contract requires the city to respond to every call it gets in the county. If the franchise holder, by Ordinance, is required to call EMS before it makes a run to the county and I suppose that in turn triggers your contract, and makes EMS run into the county, which is obvious duplication. It seems to me that in most cases if someone is out there with a broken leg, he is not going to want to wait for EMS to get there. A private carrier is perfectly capable of handling that call, therefore my proposed solution is let the private make the call, as he will do anyway, put a requirement in there, in other words eliminate duplication, replace it with a requirement that he notify EMS on any advanced life support calls he makes, failing which would subject him to forfeiture of his franchise.

Councilmember Mullen asked Mr. Bulloch to respond to Mr. Curtis' statements. Mr. Bulloch said that the intent of the staff in section 34-94(b) is to allow EMS the ability to respond to every emergency call in the county just as they do in the city, because you don't know the condition of the patient. He noted that the obligation of EMS is to be able to respond to all

calls, particularly those that are life support in nature.

Councilmember Goodman asked if a fiscal note had been prepared on this Ordinance. Mr. Bulloch answered he did not believe one was necessary. Councilmember Goodman told Mr. Bulloch that he had asked for one informally last week and received some informal figures. This week he is asking for a prepared fiscal note.

Motion - Died for lack of Second

Councilmember Goodman moved to close the public hearing and take no action until a fiscal note is submitted to Council. There was no second.

Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 34 OF THE AUSTIN CITY CODE OF 1967 BY REPEALING ARTICLE B AND IN LIEU THEREOF SUBSTITUTING A NEW ARTICLE V, "EMERGENCY AMBULANCES AND TRANSFER VEHICLES"; PROVIDING FOR A CHANGE IN DEFINITIONS; PROVIDING FOR AREAS COVERED BY THE EMERGENCY SERVICES OF EMS; PROVIDING FOR AN EMS DISPATCHER; PROVIDING FOR PRIVATE SERVICE REGULATION; PROVIDING FOR A FRANCHISE FOR TRANSFER SERVICE; PROVIDING FOR APPLICATION, REVIEW AND HEARING FOR A TRANSFER SERVICE FRANCHISE; PROVIDING FOR ISSUANCE OF A FRANCHISE AND A CONTRACT THEREFOR; PROVIDING FOR QUALIFICATIONS OF DRIVERS AND ATTENDANTS; PROVIDING FOR LIABILITY INSURANCE; PROVIDING FOR APPROVAL OF CHANGE IN OWNERSHIP; PROVIDING FOR INSPECTION OF BOOKS AND RECORDS; PROVIDING FOR A SCHEDULE OF RATES; PROVIDING FOR STANDARDS FOR PERSONNEL, VEHICLES, EQUIPMENT AND INSPECTION OF VEHICLES; PROVIDING A PENALTY; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR PAYMENT TO THE CITY; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Pro Tem Cooke moved that the Council close the public hearing, waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Himmelblau, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: Councilmember Goodman

The Mayor announced that the ordinance had been finally passed.

DAVENPORT RANCH M.U.D.

PAM GIBLIN, an attorney, addressed the Council in the subject of Davenport Ranch Municipal District No. 1. She said that the Environmental Board asked that Council defer consideration of the approach main question,

but did not ask that they defer consideration of the Davenport Ranch MUD consent request. She stated that she thinks it important for Council to understand that the Davenport Ranch has submitted two separate requests for action from Council. Only one of these submissions is up to date. Ms. Giblin went on to say that the other one Council can defer or delay because it is not really related to this. She stated that they are here on this to ask for Council's consent to the creation of a Municipal District within the extraterritorial Jurisdiction of the City of Austin. The request that was filed in regard to an approach main is a separate matter and we don't have to go that way to get our water and sewer service, she said. Council can decide how we can get our water and sewer and sewer service, it's not related to the MUD consideration. She went on to say that time is a big factor and would like Council to act on this as quickly as possible.

MR. CORBY ROBERTSON, owner of the Davenport Ranch, spoke next, saying that the Davenport Ranch is tied in with the City of Austin, and the decision as to how that property should develop, is now. It has been in the planning stage for a year he said, and he has met with various city departments and provided them with information and received feed back to try to meet the needs of the community. A set of formal plans was submitted to Council concerning MUD creations and financing of extensions of approach mains both for water and sewer service to the area. At that time it was agreed that consideration would be delayed until October 26, 1978. The staff reports were late in coming out so Council could not consider this matter. At the request of the city staff in June of 1978, Mr. Robertson said a proposal was developed to serve the area via oversized approach main. The reason for this approach is that the long term value is recognized. There are two main points that bear some consideration from the Council, he added, and first is the financing mechanism. The one that is being recommended is provided under state law and will result in the highest quality development. The second important point that Council will be interested in, he continued, is of growth in the area. He said that if it is a concern of the Council, an on-site water plant can be provided, and still a sewage extension underneath the lake. "Today we are coming to you and asking you to consent to the creation of a Municipal Utility District with the same restrictions that you placed on the Anderson Mill Williamson County Mud."

Councilmember Himmelblau commented that her feelings are that the only way we are going to get quality development beyond our capabilities in so far as utilities is through a MUD, and that she favors MUD very much. However, she said, we have some policy that is coming to us from staff later on this afternoon that she is not too happy with and needs more time to study, so therefore she can't see any way that any policy that is going to be before the Council at this time can be voted on.

After discussion between Councilmember Mullen, Mr. Beal, and Mr. Johnson a motion was made.

Motion

Councilmember Goodman moved that the Council postpone until December 7, 1978, consideration granting consent of the City of Austin to the creation of the Davenport Ranch Municipal Utility District No. 1, and authorizing execution of a District Creation Agreement. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Himmelblau, Mullen, Snell, Trevino,
Mayor McClellan

Noes: None

Not in Council Chamber when roll was called: Mayor Pro Tem Cooke

POLICIES CONCERNING UTILITY DISTRICTS

A City Manager report on policies concerning utility districts was postponed.

LAKE AUSTIN INTERIM CONTROLS

Council had before it a resolution to consider amending the 1978-79 Annual Budget Ordinance by transferring \$17,961 from the general fund balance to the budget of Engineering Department for the purpose of implementing Chapter 29 of the Austin City Code to apply to Lake Austin Interim Controls to land that is not being subdivided.

Councilmember Himmelblau asked for explanation on this because, "It was my understanding after talking with Mr. Graves that he was willing to start, even though we passed the ordinance, to see just how much would be developing out there without amending our budget. And I just don't want to amend the budget now, and I didn't feel by adopting the ordinance that we were committing to amend the budget. When we talked about it last week I didn't expect to see it back on our agenda until about the first of the year, or with a report."

Mr. Homer Reed, Deputy City Manager stated, "That was not our understanding. At the public hearing on this ordinance three weeks ago, there was an extensive discussion of the cost of enforcement. There's no way to deny the costs, they are there. We passed them down at that hearing as you will recall. The original estimate was some \$300,000.00 over a period of five years. Council amended the ordinance to require the owners to have their engineers certify that construction is in accordance with the plans approved by the City. That ~~passed~~ the cost down to this \$17,961.00 for the first year. But that is the bare bones minimum that simply must be met." Councilmember Himmelblau said, "I know the money market is tight and the interest rates high and I don't believe in adding to the staff until we see what is going to be needed. We might go six weeks and then staff would come back and say they cannot live on what they have. But I'm not willing to amend the budget the day we pass an ordinance." Mr. Reed asked her, if economy is the problem, if

she would like to reconsider the ordinance. Councilmember Mullen thought they needed to look at the economy as to how many engineers they need on the city staff right now. A conversation ensued concerning the economy, how to predict what will be needed, and how long it takes to hire a qualified engineer. Councilmember Himmelblau said she wanted to see this tried for 6-8 weeks and see how it works, and if then they come back and want someone she would have no objection.

Mr. Davidson, City Manager, stated, "We did not initiate the idea for this ordinance. And in connection with the fiscal note as to what is required, we've told you what is required. All we want Council to understand is that we cannot enforce the ordinance that has been adopted without any staff. If you want us to hold up on enforcement of this ordinance, or withhold it until we can come back with a more detailed study as to what we think is going to occur under the ordinance and then return and see if you want to continue with it, we can do that. I'm not sure we can simply do what you've asked." Councilmember Mullen asked about the level of activity in the Engineering Department, and Mr. Graves told him that in spite of the economy they were busier than ever and have moved some personnel temporarily into the inspection field of subdivision because they are having trouble keeping pace with the activity level.

Motion

Councilmember Mullen moved that the Council delay action on the ordinance for 60 days and watch the economy; if it doesn't slow down the ordinance will be implemented, if it does slow down then other employees can be moved into this area. The motion was seconded by Councilmember Himmelblau.

Mr. Graves pointed out during this period of time we have a lot of drafting to do of procedures and guidelines and we would welcome not needing to enforce it for a period of time.

Mayor McClellan introduced the to

Substitute Motion

Mayor McClellan introduced the following ordinance:

AN ORDINANCE TRANSFERRING \$17,961 FROM THE GENERAL FUND BALANCE TO THE BUDGET OF THE ENGINEERING DEPARTMENT AND APPROPRIATING \$17,961 FROM THE BUDGET OF THE ENGINEERING DEPARTMENT FOR THE PURPOSE OF FINANCING PERSONNEL, OPERATION AND MAINTENANCE, AND CAPITAL OUTLAY EXPENSES NECESSARY TO ADMINISTER ORDINANCE NO. 781102-C (LAKE AUSTIN WATERSHED SITE DEVELOPMENT ORDINANCE); SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilmember Goodman moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Smith, Trevino, Mayor McClellan, Mayor Pro Tem
Cooke, Councilmembers Goodman, Himmelblau
Noes: Councilmember Mullen

Mayor McClellan asked Mr. Graves to explain the implementation of the ordinance. Mr. Graves told Council that it will take time, experience and preparation and circulation of guidelines to the builders. He said they have scheduled a person to begin work in January but if they have the usual degree of success in finding a qualified person, they will not have one by January anyway. He said these people are scarce and hard to employ. Mayor McClellan observed that they will have a delay even without a delay. Mr. Graves said the first stage of the ordinance is review of plans and issuance of permits which they plan to do with people they now have. When the work is begun, then it will need someone in the field to inspect.

Further discussion took place, and Mayor Pro Tem Cooke advised Council that from his experience, the average lead time to hire an engineer is 90 days. Councilmember Goodman commented that was why he does not want to see implementation delayed. Mr. Graves said that the position is for an engineer's assistant rather than an engineer; to which Mayor Pro Tem Cooke commented, "They take 120 days to hire."

CRITERIA OF HISTORIC ZONING ORDINANCE

Councilmember Himmelblau introduced an item to Council to instruct the Landmark Commission to revise the Historic Zoning Ordinance making the criteria more restrictive so that no structure built after 1900 can be included unless there are exceptional architectural features evident. She said that she thought the Landmark Commission should tighten up regulations, particularly regarding structures built after 1900 so that they would have to be architecturally significant before the building would be eligible for "H" designation.

Motion

Councilmember Himmelblau moved that the Council instruct the Landmark Commission to revise the Historic Zoning Ordinance making the criteria more restrictive so that no structure built after 1900 can be included unless there are exceptional architectural features; and that this should be to the Planning Commission within 60 days. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen
Noes: None

MEDICAL ASSESTANCE PROGRAM FOR FOSTER GRANDPARENTS

Councilmember Goodman moved that the Council include Foster Grandparents as Medical Assistance Eligibles since their stipend should not be included as wages according to Federal regulations. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Trevino, Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell
Noes: None

SKYCAPS AND CURB CHECK-IN AT AIRPORT

Councilmember Snell moved that the Council request a report of options available for providing skycap and curbside check-in services at Municipal Airport. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Mayor McClellan, Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino
Noes: None

SOUTH TEXAS PROJECT WORK SESSION

Council, by unanimous consent, set the date of Monday November 20, 1978 to travel to Houston for a work session on the South Texas Project.

NOISE ABATEMENT ON MOPAC

Councilmember Mullen moved that the Council direct staff to work with State Highway Department to develop joint agreement for noise abatement and landscaping for MoPac Boulevard. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Cooke, Councilmembers Goodman, Himmelblau, Mullen, Snell, Trevino, Mayor McClellan
Noes: None

DATE TO RECEIVE BUDGET AND C.I.P. POLICY STATEMENTS

Council had before it a resolution to set a date to receive the City Managers report on Budget and C.I.P. Policy Statements. Mayor McClellan asked Councilmembers to give her their calendars on Monday November 13, so she can determine a date when they will all be available.

LEGISLATIVE WORK SESSION

Councilmember Cooke and Councilmember Mullen introduced an item from Council to reset the date for the legislative work session scheduled for November 14, 1978. Mayor McClellan asked Councilmembers to give her their calendars on Monday, November 13, so she can determine a date when they will all be available.

TWO CITY MANAGER REPORTS POSTPONED

The City Manager Report on the Subdivision Task Force will be brought back to Council on November 16, 1978.

The City Manager Report on the approved 1978-79 Annual Operating Budget will be brought back to Council on November 30, 1978.

ADJOURNMENT

Council adjourned its meeting at 6:15 P.M.

APPROVED

Carole Keeton Miller
Mayor

ATTEST:

Grace Monroe
City Clerk